

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JOVAN DAVIS,

Plaintiff,

21 **CIVIL** 8485 (VEC)

-against-

JUDGMENT

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated September 5, 2023, the R&R is adopted in full, Plaintiff's motion for judgment on the pleadings is DENIED, the Commissioner's cross-motion for judgment on the pleadings is GRANTED, and this case is DISMISSED. IT IS FURTHER ORDERED that because the R&R gave the parties adequate warning, see R&R at 27, the failure to file any objections to the R&R precludes appellate review of this decision. See *Mario v. P & C Food Markets, Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision." (citing *Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (per curiam))); accordingly, the case is closed.

Dated: New York, New York
September 5, 2023

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk